

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

MELVIN TAYLOR and DIANA E. TAYLOR,

Plaintiffs,

vs.

No. CIV 14-0989 JB/CG

L&P BUILDING SUPPLY OF LAS CRUCES, INC., individually and as successor-in-interest to L&P Building Supply; AMERICAN OPTICAL CORPORATION; CERTAINTTEED CORPORATION; GEORGIA PACIFIC CORPORATION; HONEYWELL INTERNATIONAL, INC., f/k/a Allied Signal Inc., individually and as successor-in-interest to the Bendix Corporation; KAISER GYPSUM COMPANY, INC.; UNION CARBIDE CORPORATION; and KEENAN SUPPLY DIVISION,

Defendants.

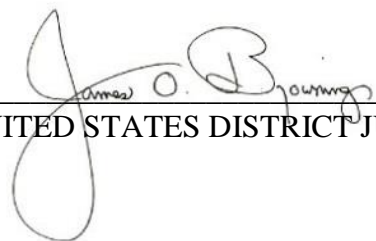
**ORDER**<sup>1</sup>

**THIS MATTER** comes before the Court on L&P Building Supply of Las Cruces Inc.’s Motion for Default Judgment on Counterclaims [Doc. 19-5] of Wrongful Joinder, filed January 13, 2015 (Doc. 56)(“Motion”). The Court held a hearing on the Motion on February 13, 2015. For the reasons it gave at the hearing, the Court denies the Motion.

**IT IS ORDERED** that L&P Building Supply of Las Cruces Inc.’s Motion for Default Judgment on Counterclaims [Doc. 19-5] of Wrongful Joinder, filed January 13, 2015 (Doc. 56), is denied.

---

<sup>1</sup>This Order disposes of L&P Building Supply of Las Cruces Inc.’s Motion for Default Judgment on Counterclaims [Doc. 19-5] of Wrongful Joinder, filed January 13, 2015 (Doc. 56). The Court may, however, at a later date issue a memorandum opinion more fully detailing its rationale for this decision.



UNITED STATES DISTRICT JUDGE

*Counsel:*

Zackeree S. Kelin  
Albuquerque, New Mexico

--and--

Jeffrey A. Kaiser  
Joshua O. Reed  
Kaiser Gornick LLP  
Walnut Creek, California

*Attorneys for the Plaintiffs*

Gilbert Houston Frith  
Trace L. Rabern  
The Frith Firm  
Santa Fe, New Mexico

*Attorneys for Defendant L&P Building Supply of Las Cruces, Inc.*

Spencer L. Edelman  
Michelle A. Hernandez  
Modrall Sperling Roehl Harris & Sisk, PA  
Albuquerque, New Mexico

--and--

Mary Price Birk  
Ronald L. Hellbusch  
Baker & Hostetler, LLP  
Denver, Colorado

*Attorneys for Defendant Certainteed Corporation*

Tonn K. Petersen  
Perkins Coie LLP  
Boise, Idaho

*Attorneys for Defendants Georgia Pacific Corporation and Honeywell International, Inc.*